

### **REMARKS**

The Examiner rejected claims 5-16 and 32-43 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter, specifically, as directed to an abstract idea.

In a telephonic interview on June 2, 2007 between Examiner Jean M. Correlius and Applicants' Representative Jack P. Friedman, it was agreed that independent claims 5 and 32 comprises claim language that overcomes the aforementioned 35 U.S.C. § 101 rejection, which Applicants will discuss *infra*.

In addition, Applicants have amended independent claims 13 and 40 as discussed *infra*.

Applicants respectfully traverse the § 101 rejections with the following arguments.

### 35 U.S.C. § 101

The Examiner rejected claims 5-16 and 32-43 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter, specifically, as directed to an abstract idea.

The Examiner argues: “While determining whether the vendor V matches a vendor in the vendor datasets and adding a subset of D.sub.G to the relational database, said subset of D.sub.G excluding the K purchase items from D.sub.G, if the contract dataaroup D.sub.G is the contract dataset,; and adding to the first contract dataset in the relational database purchase items of D.sub.G., wherein D.sub.G is key to a first contract dataset in the relational database, and wherein the R purchase items of D.sub.G consist of all purchase items of D.sub.G exclusive of the K purchase of D.sub.G., if the contract datagroup D.sub. G is the contract deltadataset could be reasonably be considered a tangible result, actually claims 5 and 13 appear to have no claimed result under the condition if the contract datagroup D.sub.G is not the contract dataset; and if the contract datagroup D.sub. G is not the contract deltadataset to form the basis statutory subject matter under 35 USC 101... Therefore, claims 5-16 are directed to an abstract idea that is not tied to a technological art, environment or machine which would produce a concrete and useful result to form the basis of statutory subject matter under 35 U.S.C. 101.”

In response with respect to independent claims 5 and 32, Applicants note that the Examiner has expressed concern that both of the “if” features (i.e., “if the contract datagroup D<sub>G</sub> is the contract dataset ...” and “if the contract datagroup D<sub>G</sub> is the contract dataset ...”) may not be satisfied.

However, the language in claims 5 and 32 of “said contract datagroup D<sub>G</sub> selected from

the group consisting of a contract dataset and a contract deltadataset” logically requires that one of the two aforementioned “if” features must be satisfied. In the telephonic interview on June 2, 2007 between Examiner Jean M. Correlius and Applicants’ Representative Jack P. Friedman, agreement was reached as to the preceding analysis of claims 5 and 32.

Based on the preceding arguments, claims 5 and 32 are not unpatentable under 35 U.S.C. § 101. Since claims 6-12 depended from claim 5, Applicants maintain that claims 6-12 are likewise not unpatentable under 35 U.S.C. § 101. Since claims 33-39 depend from claim 32, Applicants maintain that claims 33-39 are likewise not unpatentable under 35 U.S.C. § 101.

In response with respect to independent claims 13 and 40, Applicants note that the issue of the “if” features of claims 5 and 32 do not exist for claims 13 and 40.

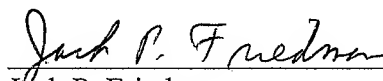
Applicants have amended claims 13 and 40, such that “ $0 < K \leq N$ ” has replaced “ $0 \leq K \leq N$ ”. Applicants respectfully point out that the case of  $K > 0$  results in adding purchase items to the special database or the relational database, which satisfies 35 U.S.C. § 101.

Based on the preceding arguments, claims 13 and 40 are not unpatentable under 35 U.S.C. § 101. Since claims 14-16 depended from claim 13, Applicants maintain that claims 14-16 are likewise not unpatentable under 35 U.S.C. § 101. Since claims 41-43 depended from claim 40, Applicants maintain that claims 41-43 are likewise not unpatentable under 35 U.S.C. § 101.

### CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

Date: 07/03/2007

  
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